
Public Utilities Commission of the State of California

Public Agenda 3159

Thursday, September 22, 2005 10:00 a.m.

San Francisco, California

Commissioners

Michael R. Peevey, President

John A. Bohn

Geoffrey F. Brown

Dian M. Grueneich

Susan P. Kennedy

For each agenda item, a summary of the proposed action is included; the Commission's decision may, however, differ from that proposed.

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> Room 5305 (1:30 p.m.) <i>Closed to the Public</i>	<i>Commission Meeting</i> Auditorium (10 a.m.) <i>Open to the Public</i>
Monday, October 03, 2005 (San Francisco)	Thursday, September 22, 2005 (San Francisco)
Monday, October 24, 2005 (San Francisco)	Thursday, October 06, 2005 (Los Angeles)
Tuesday, November 15, 2005 (San Francisco)	Thursday, October 27, 2005 (San Francisco)
	Friday, November 18, 2005 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

Matters of Public Interest

For the convenience of the public and media representatives, items of widespread public interest will be taken up at the beginning of the meeting.

For further information contact the Public Advisor
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This location is accessible to people with disabilities. If specialized accommodations for the disabled are needed, e.g. sign language interpreters, please call the Public Advisor at (415) 703-2074 or TTY# (415) 703-5282 or toll free # 1-866-836-7825 three business days in advance of the meeting.

PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda.
- 36a, 36

Public Comment:

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Consent Agenda - Orders and Resolutions

1 Res TL- 19064

[4812] Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.

2 Res ALJ 176-3159

[4814] Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203692

3 A02-05-046 - Southern California Edison Company.

[4716] Application regarding the future disposition of the Mohave Generating Station. This decision awards Water and Energy Consulting \$262,578.00 in compensation for its contribution to D04-12-016. (Comr Peevey - ALJ Brown)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3156, Item 8 7/21/2005 (Bohn);

Agenda 3157, Item 3 8/25/2005 (Bohn);

Agenda 3158, Item 1 9/8/2005 (Peevey)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203191

Consent Agenda - Orders and Resolutions (continued)**4 C88-03-016 - The City of St. Helena, Town of Yountville, County of Napa, Napa Valley Vintners Association vs. Napa Valley Wine Train, Inc.**

[4780]

This decision closes this proceeding, since following issuance of the decision of the Court of Appeal on St. Helena's most recent petition, and denial of review by the California Supreme Court, D01-06-034 remains in effect and there is no further action for the Commission to take.

(Comr Grueneich - ALJ Vieth)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3157, Item 8 8/25/2005 (Staff)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=199029

5 Res T-16942 - California Teleconnect Fund Administrative Committee.

[4854]

This resolution adopts California Teleconnect Fund Administrative Committee Fund Budget of \$22,002,000 for fiscal year 2006-07.

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Agenda 3158, Item 7 9/8/2005 (Bohn)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202739

6 Res T-16953

[4876]

This resolution approves Fiscal Year 2006-07 Universal Lifeline Telephone Service Trust Administrative Committee Fund Budget.

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203691

7 Res T-16955

[4877]

This resolution adopts an expense budget of \$434.583 million for Fiscal Year 2006-07 for the California High Cost Fund-B Administrative Committee Fund.

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203539

8 Res T-16956

[4878]

This resolution adopts an expense budget for Fiscal Year (FY) 2006-07 of \$44.528 million and a revised FY 2005-06 expense budget of \$39.653 million for the California High Cost Fund-A Administrative Committee Fund.

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203648

Consent Agenda - Orders and Resolutions (continued)

- 9**
[4879] **Res T-16957 - Foresthill Telephone Company (Foresthill).**
Foresthill has installed equipment that would allow its customers' Calling Party Number (CPNs) to be transmitted on calls between states. In order to ensure that Foresthills' customers fully understand the privacy implication of CPN and Calling Party Number Identification Service (Caller ID), Foresthill requests Commission authority to implement a Customer Notification and Education Plan (CNEP). This resolution authorizes Foresthill to implement a CNEP for the passage of CPN subject to the condition imposed in this resolution. (Advice Letter 254, filed July 11, 2005)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203368
- 10**
[4885] **Res ALJ-187**
This resolution adopts procedures for appeal of citations issued to household goods carriers, charter party carriers, and passenger stage corporations.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203018
- 11**
[4888] **A00-03-043 - Pacific Gas and Electric Company (PG&E).**
This decision authorizes PG&E under Pub. Util. Code § 851 to enter into an irrevocable lease, pursuant to the Optical Fiber Installation and IRU Agreement, and the First Amendment to the Optical Fiber Installation and IRU Agreement between PG&E and Broadwing Communications Services, Inc., that permits the installation and use of fiber optic facilities on PG&E's electric transmission towers, substations, rights-of-way, and other facilities. This proceeding is closed.
(Comr Peevey - ALJ O'Donnell)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203433
- 12**
[4894] **A05-01-033 - Hillview Water Company, Inc. (Hillview).**
This decision approves a Settlement Agreement entered into by Hillview and the Audit and Compliance Branch of the Commission's Water Division by which Hillview will refinance outstanding short- and long-term debt but subject to conditions that will minimize the rate impact on customers; the Settlement also resolves the issues deferred from Hillview's recent general rate case proceeding. This proceeding is closed.
(Comr Kennedy - ALJ Vieth)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203482

Consent Agenda - Orders and Resolutions (continued)

- 13**
[4895] **Res T-16896**
This resolution adopts an Expense Budget of \$69.030 million for Fiscal Year 2006-07 for the Deaf and Disabled Telecommunications Program Fund.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203514
- 14**
[4896] **Res SX-69**
This resolution recommends to the California Transportation Commission for increased funding to be set aside for maintaining automatic grade crossing protection devices.
Pub. Util. Code § 311 – This item was mailed for Public Comment.
- 15**
[4902] **Res L-321**
This resolution authorizes disclosure of certain records concerning the Consumer Protection and Safety Division's investigation of the derailment of a Union Pacific Railroad freight train at or about the intersection of South Meridian and Rialto Avenues in San Bernardino on April 4, 2005.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=201872
- 16**
[4913] **A04-10-036 - William M. Gavin, dba Affordable Home & Apartment Movers.**
This decision adopts the settlement agreement between the Consumer Protection and Safety Division and William M. Gavin dba Affordable Home and Apartment Movers and grants Gavin a two year household goods carrier permit. This proceeding is closed.
(Comr Brown - ALJ Grau)
Pub. Util. Code § 311 – This item was mailed for Public Comment.
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203358
- 17**
[4917] **A04-05-027 - Planet Telesis, Inc. (Applicant).**
This decision grants Applicant a certificate of public convenience and necessity to provide limited facilities-based and resold services in California. This proceeding is closed.
(Comr Kennedy - ALJ Prestidge)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=195580

Consent Agenda - Orders and Resolutions (continued)**18 A05-01-004 - InfoTelecom, LLC.**

[4918] This decision grants the unopposed application of InfoTelecom, LLC for a certificate of public convenience and necessity to provide resold and limited facilities-based local exchange and interexchange services in California. This proceeding is closed.

(Comr Kennedy - ALJ Prestidge)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=197190

19 A04-09-008 - Los Angeles County Metropolitan Transportation Authority (LACMTA).

[4919] This decision grants LACMTA authority to construct, as part of LACMTA's Eastside Corridor Light Rail Transit Line (ELRL) project, five grade-separated highway-rail crossings (grade separations) by constructing two new ELRL tracks within the median of Third Street beneath and within the existing structures of State Route (SR) 60 Freeway westbound connector, SR-60 Freeway, Interstate (I) 710 Freeway southwest connector, and I-710 Freeway southeast connector and on an existing bridge structure above I-710 Freeway, in Los Angeles County. This proceeding is closed.

(Exam Clark)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=200093

20 A05-04-009 - City of Oakley.

[4920] This decision grants the request of the City of Oakley to construct a grade-separated highway-rail crossing, Laurel Road Overhead, over the track and right-of-way of the Union Pacific Railroad Company. This proceeding is closed.

(Exam Clark)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=201448

21 R01-10-001 - Order Instituting Rulemaking to revise Commission General Order Numbers 95 and 128.

[4921]

This decision grants a petition to modify D05-06-053 filed by intervenor William Adams and awards Adams an additional \$7,717 in compensation for his contribution to D05-01-030. The additional award corrects a computation error in D05-06-053. This proceeding is closed.

(Comr Brown - ALJ Walker)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Quasi-Legislative.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=201775

Consent Agenda - Orders and Resolutions (continued)

- 22** **Res W-4562 - Tahoe Park Water Company, Inc. (Tahoe Park).**
[4922] This resolution requires Tahoe Park to terminate the Safe Drinking Water Bond Act surcharge rates authorized by Decision 92188, et al. and to file a report to account for any overages accumulated in the reserve account.
- 23** **A05-06-031 - Pacific Gas and Electric Company (PG&E).**
[4923] This decision grants PG&E a permit to construct the Gateway Valley 115 kV Power Line Relocation Project to accommodate construction of the Montanera Project, a proposed residential community in the City of Orinda. This proceeding is closed.
(Comr Bohn - ALJ McVicar)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202880
- 24** **A00-05-002 - Southern California Gas Company.**
[4924] A00-05-003, A00-05-004, A00-05-005, A01-05-003, A01-05-009, A01-05-017, A01-05-018, A02-05-002, A02-05-003, A02-05-005, A02-05-007, A03-05-002, A03-05-003, A03-05-004, A03-05-009, A04-05-005, A04-05-008, A04-05-010, A05-05-012 - Related matters. This decision adopts the uncontested findings of Energy Division's auditor regarding the reasonableness of amounts booked to the interruptible load and rotating outages program memorandum accounts of Pacific Gas and Electric Company, Southern California Edison Company and San Diego Gas & Electric Company for program years 2001, 2002 and 2003.
(Comr Kennedy - ALJ Gottstein)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203257
- 25** **Res E-3951 - Pacific Gas and Electric Company (PG&E).**
[4925] PG&E requests approval of its electric portfolio gas hedging plan. (Advice Letter 2685-E, filed July 15, 2005)
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203573

Consent Agenda - Orders and Resolutions (continued)

- 26**
[4932] **A03-01-013 - Pasadena Avenue Monterey Road Committee (PAMRC).**
A03-07-049, A03-07-050 - Related matters. In these consolidated cases, this decision adopts an agreement among all active parties, the City of South Pasadena (City), the Los Angeles County Metropolitan Transportation Authority, the Los Angeles to Pasadena Metro Blue Line Construction Authority, and PAMRC, to make modifications to the technical specifications for the bells to be installed as part of the improvements to warning devices at the at-grade crossings in the City that were ordered in D05-02-032. These proceedings are closed.
(Comr Kennedy - ALJ Simon)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202310
- 27**
[4934] **A05-07-013 - Pacific Gas and Electric Company (PG&E).**
PG&E proposes there be no change to its generation rate component. As of June 30, 2005, PG&E's Energy Resource Recovery Account shows an overcollection of \$188.7 million or 4.94% of the prior year's recorded revenues, excluding revenues collected for Department of Water Resources (DWR). PG&E states that its DWR revenue requirement will increase substantially in 2006. Therefore, rather than decrease rates on October 1, 2005, and increase rates on January 1, 2006, PG&E believes no rate change would be preferable as it would provide smoother rates for its customers. This decision adopts PG&E's proposal. The matter is uncontested. This proceeding is closed.
(Comr Bohn - ALJ Patrick)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202329
- 28**
[4938] **A04-05-002 - XO California, Inc.**
This decision affirms the results of the Final Arbitrator's Report, issued August 15, 2005, and approves the resulting amendment to the Interconnection Agreement between XO California, Inc. and Pacific Telephone Company dba SBC California. This proceeding is closed.
(Comr Brown - ALJ Duda)
Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.
http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202988

Regular Agenda

Regular Agenda - Energy Orders

29 **R04-04-026 - Order Instituting Rulemaking to implement the California Renewables**
[4748] **Portfolio Standards Program.**

This decision sets forth the basic parameters for the participation of Energy Service Providers, Community Choice Aggregators, and small and multi-jurisdictional utilities in the Renewables Portfolio Standards program.

(Comr Peevey - ALJ Allen)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3157, Item 51 8/25/2005 (Peevey);

Agenda 3158, Item 22 9/8/2005 (Bohn)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203193

30 **A05-06-004 - Pacific Gas and Electric Company (PG&E).**
[4874]

A05-06-011, A05-06-015, A05-06-016 - Related matters. This decision authorizes 2006-2008 energy efficiency portfolio plans and funding levels for PG&E, Southern California Edison Company, San Diego Gas & Electric Company, and Southern California Gas Company, including the components that they will be putting out to bid and the bid evaluation review criteria. The next step is to review the results of their competitive bid solicitations, and resulting final program offerings in a separate compliance phase. Those filings will be made late this year and (for PG&E) early in 2006. Pending the outcome of the compliance phase, this decision authorizes the utilities to begin implementing on January 1, 2006 their non-competitive bid programs, as identified in their portfolio plans.

(Comr Kennedy - ALJ Gottstein)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203541

Regular Agenda - Energy Orders (continued)

31 A05-03-016 - Pacific Gas and Electric Company (PG&E).

[4880]

This decision approves a limited amount of pre-deployment funding for PG&E's proposed Advanced Metering Infrastructure (AMI) Project. The adopted amount of \$7.0 million is less than the \$49 million requested because it is limited to funding associated with activities to assess minimum functionality and investments that would provide value to ratepayers independent from the decision on whether ratepayers should invest in PG&E's proposed AMI Project. It would not be reasonable for ratepayers to fund the other activities that make up the \$49 million request in advance of the determination that the proposed AMI Project is reasonable in total. This decision adopts specific ratemaking and cost recovery treatment for the authorized funds and continues PG&E's existing memorandum account to enable PG&E to record costs for activities that are not authorized in to-day's decision. This proceeding is closed.

(Comr Peevey - ALJ Cooke)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203743

31a ALTERNATE TO ITEM 4880

[4881]

This alternate approves PG&E's request for \$49 million in pre-deployment expenditures associated with its application for its advanced metering initiative (AMI). The comprehensive review of PG&E's full AMI deployment application will still be completed in A05-06-028.

(Comr Peevey)

32 R04-01-025 - Order Instituting Rulemaking to establish policies and rules to ensure reliable, long-term supplies of natural gas to California.

[4940]

Interim decision regarding changes needed to address volatility of high winter gas prices exacerbated by Hurricane Katrina.

(Comr Kennedy, Comr Peevey - ALJ Weissman)

Regular Agenda - Energy Resolutions and Written Reports**33**

[4901]

Res G-3380 - San Diego Gas & Electric Company (SDG&E) and Southern California Gas Company (SoCalGas).

SDG&E and SoCalGas seek approval of a natural gas vehicle (NGV) compression rate increase. SoCalGas requests authority to adjust its NGV uncompressed rate. (SDG&E Advice Letter (AL) 1510-G-A, filed June 10, 2005; SoCalGas AL 3475, filed March 4, 2005; SoCalGas AL 3488, filed April 11, 2005)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203560

34

[4903]

Res G-3382 - Southern California Gas Company (SoCalGas) and San Diego Gas & Electric Company (SDG&E).

SoCalGas and SDG&E submit modified open access tariffs, in compliance with Resolution G-3376. The utilities' submittals are approved with modifications. (SoCalGas Advice Letter (AL) 3413-A and SDG&E AL 1474-G-A, filed April 1, 2005)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203657

35

[4927]

Res E-3955 - Pacific Gas and Electric Company (PG&E).

PG&E requests Commission approval of its proposed Resource Adequacy Capacity Product contract language. PG&E's request is approved with modifications. (Advice Letter 2695-E, filed August 3, 2005)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203700

Regular Agenda - Telecommunication Orders

36

[4765]

C04-08-026 - AT&T Communications of California, Inc., TCG Los Angeles, Inc., TCG San Diego and TCG San Francisco vs. Verizon California Inc.

C04-09-001, C04-09-010 - Related matters. In this complaint case, the presiding officer's decision (POD) ordered that Verizon California Inc. (Verizon) continue to allow Complainants AT&T Communications of California, Inc., TCG Los Angeles, Inc, TCG San Diego and TCG San Francisco (collectively AT&T); Complainants Telescape Communications, Inc and Wholesale Airtime, Inc.; Intervenor NII Communications, Inc.; Intervenor MCI, Inc.; and Intervenor A New Telecommunications Corporation d/b/a Call America and Navigator Telecommunications, LLC to purchase unbundled Local Switching and Common Transport network elements under the terms of their interconnection agreements. The POD finds that Verizon may not decline to sell the unbundled network elements on the grounds that Verizon has changed certain hardware (i.e., replaced the circuit switch with a packet switch) used to provide the network elements. Complainant ACN Communications Services, Inc. is not granted relief because its interconnection agreement with Verizon has expired. Intervenor Fones4All is not granted relief because of its failure to prosecute. Complainants Blue Casa Communications, LLC, Covad Communications Company, and Vycera Communications, Inc.'s motions to withdraw from this proceeding are granted. The decision also disposes of the appeal to the POD's decision filed by Verizon, as well as AT&T's motion to withdraw its complaint. These proceedings are closed.

(Comr Brown - ALJ Econome)

Pub. Util. Code § 1701.2(c), allows this modified Presiding Officer's Decision to be considered in Closed Session.

Pub. Util. Code § 1701.1 -- This proceeding is categorized as Adjudicatory.

Agenda 3156, Item 52 7/21/2005 (Kennedy);

Agenda 3157, Item 59 8/25/2005 (Grueneich);

Agenda 3158, Item 32 9/8/2005 (Bohn)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=201318

36a

[4858]

ALTERNATE TO ITEM 4765

C04-09-001, C04-09-010 - Related matters. PROPOSED ORDER OF COMMISSIONER KENNEDY DIFFERENT FROM PRESIDING OFFICER'S DECISION - This decision grants Verizon's appeal and modifies the Presiding Officer's Decision thus allowing Verizon to replace circuit switches with packet switches and to migrate those customers to Resale.

(Comr Kennedy)

Agenda 3157, Item 59a 8/25/2005 (Grueneich);

Agenda 3158, Item 32a 9/8/2005 (Bohn)

Regular Agenda - Telecommunication Orders (continued)**37**

[4819]

R01-09-001 - Order Instituting Rulemaking on the Commission's own motion to assess and revise the new regulatory framework for Pacific Bell and Verizon California Incorporated.

I01-09-002 - Related matters. This decision grants the petition of The Utility Reform Network and Office of Ratepayer Advocates to expand the years covered by the proposed New Regulatory Framework audit and denies the petition of Verizon to limit the scope of the audit in Phase III, but states that it will consider whether and how to set a cost cap for the audit in Phase III. In addition, the decision defers the commencement of the audit until the conclusion of A05-04-020 or Phase 3 of the instant proceeding, whichever is later.

(Comr Kennedy - ALJ Kenney)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

Agenda 3157, Item 61 8/25/2005 (Brown);

Agenda 3158, Item 33 9/8/2005 (Bohn)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=200048

37a

[4873]

ALTERNATE TO ITEM 4819

I01-09-002 - Related matters. This alternate decision varies from the draft decision in that it does not attempt to direct ORA's audit of Verizon nor does it put limitations on ORA's audit via the allocation of funding for the audit.

(Comr Brown)

Agenda 3157, Item 61a 8/25/2005 (Brown);

Agenda 3158, Item 33a 9/8/2005 (Bohn)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=202821

Regular Agenda - Water/Sewer Orders

38

[4892]

C03-09-001 - Casmalia Community Services District vs. Unocal Corporation, aka Casmite Water System.

A03-12-024 - Related matters. This decision issues a certificate of public convenience and necessity (CPCN) to Casmite Corporation to operate existing water system as a public utility, authorizes initial rates, and imposes sanctions for operating without CPCN.

(Comr Brown - ALJ Thorson)

Pub. Util. Code § 311 – This item was mailed for Public Comment.

Pub. Util. Code §1701.1 -- This proceeding is categorized as Ratesetting.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203587

Regular Agenda - Transportation/Rail Safety Orders**39**

[4908]

I05-06-042 - Order Instituting Investigation on Commission's own motion into operations and practices of Wine & Roses Limousine Service, dba AA Limousine, AAA Limousine, Espresso Limousine, Espresso Transportation, AAA Corporate Limousines, Total Transportation Network, and LaGrande Affaire, and its President, Steve Bonner, to determine whether they have violated laws, rules, and regulations governing matter in which charter-party carriers conduct operations.

This decision suspends respondents' authority to conduct passenger transportation services effective immediately.

(Comr Brown - ALJ Bushey)

Pub. Util. Code §1701.1 -- This proceeding is categorized as Adjudicatory.

Agenda 3158, Item 36 9/8/2005 (Brown)

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=201856

Regular Agenda - Legislative Matters - Discussion

Regular Agenda - Commissioner's Reports

40

[4937]

Commissioner Grueneich Report

Appointment of new member to fill a vacancy on the Low Income Oversight Board.

41

[4942]

President Peevey Report

Announcement of the 2005 Recipients of the Commission's Wes Franklin Award for Outstanding Community Service.

Regular Agenda - Management Reports and Resolutions

42

General Counsel Wu Report

[4936]

Additional Addendum to Summary of Material Terms of DWR Financing Documents; to provide for refinancing a portion of DWR's Power Supply Revenue Bonds.

http://www.cpuc.ca.gov/Cyberdocs/AgendaDoc.asp?DOC_ID=203788

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the disclosures required by Government Code Sections 11125.2 and 11126.3(f).

Closed Session - Non-Federal

- 43** **Conference with Legal Counsel - Applications for Rehearing**
 [4816] Compilation of applications for rehearing recently filed with the Commission.
 Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
- 44** **A05-02-022 - Conference with Legal Counsel - Application for Rehearing**
 [4865] Disposition of application for rehearing of Resolution G-3372 filed by Pacific Gas and Electric Company. Resolution G-3372 addresses Pacific Gas and Electric Company's Advice Letter 2581-G/2568-E proposing modifications to electric and gas Rules 17.1 and 17.2 and an additional Rule 17.3, regarding retroactive billing of residential customers.
 Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
 Agenda 3157, Item 83 8/25/2005 (Staff);
 Agenda 3158, Item 41 9/8/2005 (Staff)
- 45** **R01-09-001 - Conference with Legal Counsel - Application for Rehearing**
 [4928] I01-09-002 - Related matters. Disposition of Application for Rehearing of D04-02-063 filed jointly by the Office of Ratepayer Advocates and The Utility Reform Network. In D04-02-063, the Commission disposed of four of 72 findings resulting from an audit of SBC Pacific Telephone Company (Pacific) for the period of 1997 to 1999. Among other things, the Decision determined that Pacific had properly written off the regulatory asset associated with post-retirement benefits other than pensions (PBOPs) above the line in 1998.
 Gov. Code § 11126(e)(2)(B)(i), allows this item to be considered in Closed Session.
- 46** **A00-05-035 - Conference with Legal Counsel - Application for Rehearing**
 [4929] A00-12-008 - Related matters. Disposes of application for rehearing of D05-07-016 filed by Chevron USA, Inc. D05-07-016 grants the consolidated applications of Pacific Gas and Electric Company to sell Richmond-to-Pittsburg fuel oil pipelines and associated facilities (§§367(b), 851), and San Pablo Bay Pipeline Company to own and operate these pipeline assets as a common carrier.

Closed Session - Initiation of Litigation - Non-Federal

Consideration of possible Commission initiation of, or intervention in, litigation.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Closed Session - Threatened Litigation - Non-Federal

Significant exposure to litigation

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Personnel Matters

Consideration of appointment, employment, evaluation of performance, or dismissal of a public employee or to hear complaints or charges brought against that employee by another person or employee.

Gov. Code § 11126(a), allows this item to be considered in Closed Session

Closed Session - Threatened Litigation - Federal

Significant exposure to litigation in federal agency or court proceedings.

Gov. Code § 11126(e)(2)(B), allows this item to be considered in Closed Session

Closed Session - Initiation of Litigation - Federal

Consideration of possible Commission initiation of, or intervention in, federal agency or court proceedings.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

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[4699]

FCC Docket No. 05-193, FCC Docket No. 05-194 - Conference with Legal Counsel - Initiation of Litigation

Petition of the Cellular Telecommunications & Internet Association for Ruling Confirming that: (1) Early Termination Fees in Wireless Service Contracts Are "Rates Within the Meaning of Section 332(c)(3)(A) of the Communications Act and FCC Precedent, etc., FCC Docket No. 05-194; and In re Clarification That Early Termination Fees Charged to Cellular Telephone Customers Are "Rates Charged" Within The Meaning of 47 U.S.C. §332(c)(3)(A), FCC Docket No. 05-193.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Agenda 3155, Item 65 6/30/2005 (Kennedy);

Agenda 3157, Item 85 8/25/2005 (Staff);

Agenda 3158, Item 42 9/8/2005 (Peevey)

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[4931]

FERC Docket No. EL05-146-000 - Conference with Legal Counsel - Initiation of Litigation

Independent Energy Producers Assoc. v. California Independent System Operator Corp., FERC Docket No. EL05-146-000.

Gov. Code § 11126(e)(2)(C)(i), allows this item to be considered in Closed Session.

Closed Session - FERC Docket No. EL00-95-000

Conference with Legal Counsel - Existing Litigation; San Diego Gas & Electric Co., EL00-95-000

Gov. Code § 11126(e)(2)(A), allows this item to be considered in Closed Session.